1	INTERIM STUDY PROPOSAL 2011-085
2	State of Arkansas As Engrossed: \$\S3/21/11\$
3	88th General Assembly A B1II
4	Regular Session, 2011 SENATE BILL 378
5	
6	By: Senators Elliott, S. Harrelson
7	Filed with: Interim Senate Committee on Insurance and Commerce
8	pursuant to A.C.A. §10-3-217
9	For An Act To Be Entitled
10	AN ACT TO PROVIDE INSURANCE CONSUMERS THE RIGHT TO
11	EMPLOY THEIR OWN INSURANCE ADJUSTER; TO AUTHORIZE
12	PUBLIC ADJUSTING; AND FOR OTHER PURPOSES.
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15	Subtitle
16	TO AUTHORIZE PUBLIC ADJUSTING BY
17	PROVIDING INSURANCE CONSUMERS THE RIGHT
18	TO EMPLOY THEIR OWN INSURANCE ADJUSTER.
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21	BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23	SECTION 1. Arkansas Code \S 23-64-102(4), concerning the definition of
24	"adjuster", is amended to read as follows:
25	(4)(A) An "adjuster" is "Adjuster" means an individual, firm,
26	limited liability company, or corporation $\frac{1}{2}$ that for compensation as an
27	independent contractor or as $\frac{1}{2}$ employee of an independent contractor $\frac{1}{2}$
28	for \underline{a} fee or commission investigates and negotiates, on behalf of the
29	insurer, the settlement of claims arising under an insurance contracts
30	<pre>contract on behalf of:</pre>
31	(i) The insurer; or
32	(ii) An insured if the claim arises under an
33	insurance contract that insures the real property or personal property of the
34	insured.

1	(B) A licensed attorney at law who is qualified to
2	practice law in this state is not deemed to be an "adjuster" for the purposes
3	of this chapter.
4	(C) A salaried employee of an insurer or of a managing
5	general agent or of any an adjustment bureau or association owned and
6	maintained by insurers to adjust losses of member insurers is not deemed to
7	be an "adjuster" for the purposes of this chapter.
8	(D) A resident agent or marine average adjuster or an
9	agent or broker who adjusts or assists in adjustment of losses arising under
10	policies procured through the broker or issued by the insurer represented by
11	the agent that is appointed by the insurer shall not be deemed to be an
12	"adjuster" for the purposes of this chapter.
13	(E)(i) The commissioner may issue "limited adjusters'
14	licenses" to persons who are sponsored and are employees of self-insured,
15	self-funded, entities for purposes of the adjustment of claims for or on the
16	behalf of that self-insured sponsoring entity.
17	(ii) The limited license shall be valid only while
18	the employee is employed by the sponsoring self-insured entity.
19	(iii) Qualifications, fees, and other aspects of
20	licensure for "limited adjusters' licenses" shall be as established by
21	regulation ;
22	(F) The commissioner may promulgate rules to implement and
23	enforce this section;
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25	/s/Elliott
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33	Referred by the Arkansas Senate
34 35	Prepared by: ANS/VJF
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